

THE GREENVILLE ENTERPRISE.

Devoted to News, Politics, Intelligence, and the Improvement of the State and Country.

JOHN C. & EDWARD BAILEY, PRORS.

GREENVILLE, SOUTH CAROLINA, MARCH 2, 1870.

VOLUME XVI—NO. 41.

B. WHERLE,
GREENVILLE, S. C.
DEALER IN
**GOLD AND SILVER WATCHES,
CLOCKS, JEWELRY,
SPECTACLES,**
18 & 22 Carat Solid Nuptial Rings,
SILVER & SILVER-PLATED
WARE.

WORK of all descriptions in his
line done promptly.
Oct 27 23 17

GREENVILLE
PAPER MILLS.
THE undersigned have this day
formed a copartnership under
the name of
JAMES BANNISTER & SON,
For the purpose of carrying on the
MANUFACTURE
OF
PAPER,
James Bannister,
T. J. Bannister.

THE Mills are now in excellent
order, and we are prepared to
turn out a
FIRST CLASS PAPER,
Which will warrant to give
satisfaction.

A FULL SUPPLY OF
**PRINTING, COLORED,
YARN & WRAPPING
PAPERS**

Can be found at all times at our
Agents, Messrs. DAVID & STRAD-
LEY'S.

September 1, 1869. 16-17
NEW MILLINERY.
MRS. L. T. JENNINGS,
RESPECTFULLY in-
forms her friends and the
public generally, that she
has just received and
opened a
**BEAUTIFUL
AND HANDSOME LOT OF FALL AND
WINTER
MILLINERY,**
Which she offers at prices low and reasonable.
Ladies before purchasing their
HATS, BONNETS, RIBBONS, &c.
Would do well to give her call, at her old
stand.
Oct 13 21 8m

The State of South Carolina.
GREENVILLE COUNTY.
In the Common Pleas—Equity Side.
THOMAS C. GOWER, Administrator, et al. vs. P. S. SUDOUTH, et al.—Bill for Sale of Real Estate, to Pay Debt, &c.
UNDER the Decree of the Court made in the above case, the Creditors of the Estate of Mrs. MARTHA LOVELAND, are required to establish the rank and amount of their claims against said Estate, before the Clerk, within nine months from this date.
W. A. McDANIEL, C. C. P.
Clerk's Office, September 28th, 1869. 9m
Sept 29 19

TOWNES & EAST,
ATTORNEYS AT LAW
AND
SOLICITORS IN EQUITY.
THE UNDERSIGNED HAVE FORMED
a copartnership in the practice of Law
in Greenville and the surrounding Counties
of Anderson, Oconee, Pickens, Spartanburg and
Laurens, will give prompt attention to all busi-
ness entrusted to them.
OFFICE at Greenville.
C. F. TOWNES. OLIN D. EAST.
Nov 10 25 17

W. K. EARLEY, S. G. WELLS
EARLEY & WELLS,
Attorneys and Counsellors at Law
AND IN EQUITY,
GREENVILLE, S. C.
PRACTICE in the Courts of the State and
of the United States, and give especial
attention to cases in Bankruptcy.
June 13 3

**WATCHES, CLOCKS,
Jewelry, Periscope Spectacles, &c.**
I WILL order an extra article
of any person. Special attention
will be given to REPAIR-
ING fine Watches of every de-
scription. Best references given.
JAMES G. BLACK.
June 26 9

COLUMBIA HOTEL,
COLUMBIA, SOUTH CAROLINA.
THE Proprietors take pleasure in announce-
ing this elegantly furnished Establishment
now open for the accommodation of guests.
The table will always be supplied with every
delicacy of the season—both from the New
York and Charleston markets, and no effort
will be spared to give perfect satisfaction, in
every respect, to our patrons. FREE LUNCH
in the refectory every day from 11 until 12.
WM. GORMAN, Proprietor.
H. H. BARNHOP, Proprietor.
Sept 29 19

WM. P. PRICE,
ATTORNEY AT LAW
DANLON, GA.
WILL practice in the Counties of Lump-
kin, Dawson, Gilmer, Fannin, Union,
Towson, White and Hall.
Jan 10 13

G. F. TOWNES, EDITOR.
J. C. BAILEY, ASSOCIATE
Subscription Two Dollars per annum.
Advertisements inserted at the rate of
one dollar per square of twelve lines (this
space type) for the first insertion, fifty
cents each for the second and third inser-
tions, and twenty-five cents for subsequent
insertions. Yearly contracts will be made.
All advertisements must have the number
of insertions marked on them, or they will
be inserted till ordered out, and charged for.
Unless ordered otherwise, Advertisements
will invariably be "displayed."
Ordinary notices, and all matters tending to
the benefit of any one, are regarded as
Advertisements.

Selected Poetry.

A Gem For Every Month.
A MOTTO FOR EVERY MONTH.
BY MRS. JULIA H. HADENMAN.

JANUARY.
By her who in this month is born
No gem save Garnets should be worn:
They will insure her constancy,
True friendship and fidelity.

FEBRUARY.
The February-born will find
Sincerity and peace of mind,
Freedom from passion and from care,
If they the Amethyst will wear.

MARCH.
Who on this world of ours their eyes
In March first open, shall be wise,
In days of peril firm and brave,
And wear a Bloodstone to their grave.

APRIL.
She who from April dates her years
Diamonds should wear, lest bitter tears
For vain repentance flow; 'tis stone
Emblem of innocence is known.

MAY.
Who first beholds the light of day,
In Spring's sweet flowery month of May,
And wears an Emerald all her life,
Shall be a loved and happy wife.

JUNE.
Who comes with Summer to this earth,
And owes to June her day of birth,
With ring of Agate on her hand,
Can health, wealth, and long life command.

JULY.
The glowing Ruby should adorn
Those who in warm July are born;
Then will they be exempt and free
From love's doubts and anxiety.

AUGUST.
Wear a Sardonyx, or for thee
No conjugal felicity;
The August-born without this stone,
'Tis said must live unloved and lone.

SEPTEMBER.
A maiden born when Autumn leaves
Are rustling in September's breeze,
A Sapphire on her brow should bind—
'Twill cure diseases of the mind.

OCTOBER.
October's child is born for woe,
And life's vicissitudes must know;
But lay an Opal on her breast,
And hope will fall those woes to rest.

NOVEMBER.
Who first comes to this world below
With drear November's fog and snow,
Should prize the Topaz, amber hue—
Emblem of friends and lovers true.

DECEMBER.
If cold December gave you birth,
The month of snow and ice and mirth,
Place on your hand a Turquoise blue;
Success will bless whatever you do.

crop alone be raised, corn would come
down to 50 or 75 cents, and bacon to 15 or
18 cents, while cotton would go to 30 cents.
Then, by raising only one and a half, in-
stead of three to four millions of bales a
year, cotton would stand at 50. The truth
of this position was shown in the late war.
Our true agricultural interest, then, is not
a large cotton, but the production of a
large provision crop. New England wants
more cotton and at lower prices, and those
in her interest, may urge us to its produc-
tion, but let us remember, at the same time,
that the South needs more bread. Self-
preservation is the first law of Nature.—
There can be no wrong, then, in adopting
the policy that is sure to preserve ourselves.
Provisions will do this. The secret, selfish
thought, may be entertained by some, that
if there should be a general effort to raise
provisions, they would make their fortune
by raising a large cotton crop. And num-
bers, no doubt, would so act; for "the love
of money is the root of all evil." We are
so impatient after money, that we are not
content with small and sure gains, but are
ever killing the goose for the golden egg.—
The wants of the individuals make the
wants of communities. The man who sup-
plies the most of his own wants, is always
the least dependent on others. So it is of
whole sections of country. To illustrate:
Suppose that A raises cotton, and B corn,
which is the more dependent? Which one
of these can first force the other to his
terms of trade? Since A can't live without
B's corn, he is, from necessity, forced to
buy and sell on B's own terms. B then
becomes the master of the situation. Such
dependence is ours, so long as we attempt
to raise cotton and allow others to furnish
our bread. This should not be. If A had
produced his own corn, and a portion of
his cotton beside, he could have mastered
the situation and thus compelled B to his
terms; for, if B could not raise cotton for
himself, he would be obliged to give A's
price. This is the situation between New
England and the South. They can't raise
cotton. We can raise our own corn, and
cotton too. Why not be wise and improve
our advantage? The Yankee boast and say,
"You can't get but one idea in a
Southerner's mind—that is cotton." Why
not? Has not New England fattened long
enough by extracting her oil from Southern
cotton fields? Let us now, by a change of
policy, raise more meat and bread, and
thus show the boasting Yankee that cotton
is not our only idea. If every farmer,
throughout the land, would resolve to raise
his own provisions at least, and only a sur-
plus in cotton, our country would soon rise
from dust and ashes to peace and plenty.—
It is now time for the great agricultural
power of this land to put its hands upon
the arteries which are secretly conveying
the life blood of our people away to fatten
New England, and stop it at home. It is
said "no man can control this thing." I
know he can't, but we all can. "No man
liveth to himself." He can't, if he
would. Let us strive to work together,
and for each other, that the sun of prop-
erty may throw his healing beams over our
homes, and peace and contentment smile in
every countenance.

Most respectfully,
A. C. STEPP.

FOR THE GREENVILLE ENTERPRISE.

Climate.

**SALUDA, GREENVILLE COUNTY, S. C.,
February 22d, 1870.**

**Hon. Horace Capron, Commis-
sioner, Department of Agricul-
ture, Washington City, D. C.**

SIR—I have the honor to ac-
knowledge the receipt of your
favor of the 8th inst., asking "for
some exact information regarding
the climate of Greenville County,
especially in winter. * * *

"Thermometric record. * * *

"Direction and prevalence of the
winds, amount of rain fall, and
the time of year when most rain
falls."

I will make inquiry, and beg a
copy of any Meteorological journal
that may have been kept among
the inhabitants of this County, and
transmit the information I may
obtain for the use of the Depart-
ment of Agriculture.

During the years 1864-5-6, I
jotted down on the margin of the al-
manac, the clear, cloudy and rainy
days, so as to enable me to judge
the comparative amount of evapora-
tion and precipitation. I found
that, in nearly every month, the
number of days clear, was fifteen.
That cloudy and rainy days came
in spells of three days at a time,
and about half the time was in
clouds and rain. In other words,
that the climate may be consider-
ed well equipped. The fluctua-
tions to be found in rain fall, is in
July and December, when gener-
ally there is more rain than in
any other months. Dry winds
are from the west in March and
September. In summer, winds
which bring heavy rains, are from
the south-west. In winter, winds
which bring rain and snow, are from
the north, north-east. In May and
June, hail storms may visit here
from the north-east and north-west.
The winds of violence are variable,
uprooting trees in every direction,
but most frequently breaking off
branches or breaking off the trunk.
I have not seen a belt of trees up-
rooted entirely, nor do I believe
there is any particular time at
which violent winds are periodical-
ly expected. Snow falls two or
three times, and from two to three
inches deep. It lays on the ground

seldom more than three days, and
generally less than two. Ice forms
in tubs in one night four inches,
and reaches a thickness of over six
inches. On pools of water two in-
ches—thicker when the cold weath-
er continues more than two days.
The thermometer during the
heated term in August reaches
100° in the shade, but through
the warm weather in summer it
seldom ranges higher than 84°.—
The winters are generally moder-
ate. Yesterday morning, at sun-
rise, the temperature was 19°
above zero.

I inquired of Nancy, the colored
servant, if she ever knew it
cold enough in this climate to
freeze a chicken to death? She
says Uncle Adam said, that a long
time ago, the chickens fell off the
trees in the night, but he assured
her that it was before freedom.

With regard to a certain climate
being suitable for a plant found
indigenous in a distant land, I leg
the Department will permit me to
remark, that while there are cer-
tain degrees of temperature, an
amount of rain fall and sunlight
and heat required for a full devel-
opment, there may be found in
latitude a suitable and a better
location than is in elevation above
the sea level. For instance, the
Peruvian potato is found indige-
nous to the soil of Peru on the
western side of the Cordillera
range of mountains. When a boy,
I was told the Indians lived on
roots, but found, on visiting those
mountains, that they really dug
out of the ground what I had
been taught to call—Irish potatoes.
They are found where the ground
is made moist by the drip from the
lower edge of perpetual snow.—
The full size there, is about the
average of the English walnut.—
We have for dinner to day Irish
potatoes produced among these
mountains of Western South Car-
olina, measuring each six inches
in length and two inches in diam-
eter, and they are of much better
flavor than their ancestors. The
location in Peru is in latitude 12°
south, and an elevation above the
sea of about 14,000 feet. The lo-
cation in South Carolina is in lati-
tude 35° north, with an elevation
of less than 1,000 feet.

Men and women work in the
fields and garden here without
headache. Consumption is not
known. Sunstroke is not known.
Temperate people there is no fever.
The water is pure—properly ap-
plied, the skin and eye become
clear, and complexion beautiful.

With deference for the opinion
of others, I believe this climate
superior for transplanting the
Chinchona tree. It is not so dry
as that of California, Arizona or
Texas. The only objection which
had presented itself to my mind
was, that possibly this climate
might be too cold in winter. But
there are ever-green trees here
which stand the winter. There is
a tree here which is called the
Mountain Magnolia, a species of
oak. Had I seen its bright, green
leaves in the Chinchona forest, I
should have pronounced them as
belonging to the same family.—
What a rich family it is. It has
been reported that one Chinchona
tree on the Andes, gave \$3,600
worth of quinine.

Very respectfully, your obedient
servant,
LARDNER GIBBON.

A religious revival is reported
in Erie county, Pennsylvania.

The local editor of a Columbus
(Miss.) paper, having recently got
married, a contemporary says:
"May his father-in-law die rich,
and enable poor Steven to retire
from the printing business and set
up a cake shop at a railroad sta-
tion."

NORTH CAROLINA has the cham-
pion old man. He has reached
143 years by dint of living on a
purely vegetable diet and drink-
ing spring water, and is likely to
live as much longer, from all ap-
pearances. He has survived sev-
en wives, and as the last one died
sixty years ago, he is beginning to
feel lonesome, and talks about go-
ing courting again.

COOKING FOOD FOR STOCK.—The
American Stock Journal says:—
It has been settled by numberless
experiments that cooking food for
cattle or hogs adds about fifty per
cent. to its value. If a man has
but a few animals to feed, it will
cost him but little to get his corn
ground, and then thoroughly cook
or steam, before feeding. If he is
a large stock feeder, then he should
have his own machinery for grind-
ing corn and cooking it on a scale
commensurate with his wants. No
outlay on a stock farm will pay
better than a grinding and cook-
ing apparatus. Try it on a small
scale and be convinced.

The Legal Tender Act.
The long expected decision is
made. The Chief Justice delivers
the opinion of the Court, sustained
by three others. Justice Mil-
ler delivers the dissenting opinion,
which is concurred in by Jus-
tice Swayne and Davis. As a
full court consists of nine judges,
and as but four sanction the deci-
sion of the court, it is entirely pos-
sible that when the two vacant
places on the bench are filled the
decision of the court may be re-
versed. But for some time, of
course, it will stand.

The Chief Justice bases his argu-
ment on the principle that any
law which impairs the obligation
of contracts is unjust, inequitable
and unconstitutional. This law
makes a promise to pay a dollar
receivable for the actual dollar
stipulated in the contract—which
certainly impairs the value of the
consideration.

He then declares that the only
justification is the "argument that
the power to make United States
notes a legal tender in payment of
all debts, is a means appropriate
and plainly adapted to the execu-
tion of the power to carry on war,
of the power to regulate commerce,
and of the power to borrow money."
This argument, he says, is
unsound, because the value of the
national notes depended on the
fact that they were receivable for
debts to the Government, and the
confidence of the people that they
would be redeemed. The making
of them legal tender in no way en-
hanced their value, for those which
were not so declared "circulated
freely and without discount." He
further argues that the power to
declare anything but gold and sil-
ver coin a legal tender is nowhere
contained in the press grants of the
Constitution, and cannot, with prop-
riety or safety, be reckoned
among the implied powers.

The Chief Justice is particularly
careful to restrict the application
of his opinion to the legal tender
clause of the act, and says:
"No one questions the general
constitutionality, and not very
highly, perhaps, the general expedi-
ency, of the legislation by which
a note currency has been author-
ized in recent years. The doubt is
as to the power to declare a par-
ticular class of these notes to be a
legal tender in payment of pre-ex-
isting debts."

"To us, the dissenting opinion
of Justice Miller seems much
stronger than that of the Chief
Justice. It is clear, solid, terse
and vigorous. It affirms the full
constitutionality of the legal ten-
der clause of the act of February
25, 1862, on the broad ground that
it was absolutely necessary to the
successful exercise, during the war,
of the powers distinctly and direct-
ly granted to Congress alone, un-
der the Constitution, namely:

"The power to declare war, to
suppress insurrection, to raise and
support armies, to provide and
maintain a navy, to borrow money
on the credit of the United States,
to pay the debts of the Union, and
to provide for the common defence
and general welfare."

He not only contends for the
constitutionality of the law itself,
but boldly commends its wisdom
thus:

"The history of that gloomy
time, not to be readily forgotten
by the lover of his country, will
forever remain the full, clear, and
ample vindication of the exercise
of this power by Congress, as its
results have demonstrated the sa-
gacity of those who originated and
carried through this measure."

He quotes with convincing force
the words of the venerable Chief
Justice Marshall in the case of the
United States Bank, truly citing
them as almost prophetic in appli-
cation to this case, and further
says:

"The creation of the United
States Bank, and especially the
power granted to it to issue notes for
circulation as money, was strenu-
ously re-asserted as without constitu-
tional authority; but this court
held that a bank of issue was nec-
essary, in the sense of that word
as used in the Constitution, to en-
able the Government to collect, to
transfer, and to pay out its reve-
nues.

"It was never claimed that the
Government could find no other
means to do this. It could not,
then, be denied, nor has it ever
been, that other means, more clear-
ly within the competency of Con-
gress, existed; nor that a bank of
deposit might possibly have an-
swered without a circulation. But
because that was the most fitting,
useful, and efficient mode of doing
what Congress was authorized to
do, it was held to be necessary by
this court. The necessity in that
case is much less apparent to me
than in the adoption of the legal
tender clause."

On the question of "impairing
contracts" he completely overmas-
ters the Chief Justice. He says:
"But it is said that the law is in
conflict with the spirit, if not the
letter, of several provisions of the
Constitution. Undoubtedly it is a
law impairing the obligation of
contracts made before its passage;
but while the Constitution forbids
the States to pass such laws, it
does not forbid Congress; on the
contrary, Congress is especially
authorized to establish a uniform
system of bankruptcy, the essence
of which is to discharge debtors
from the obligation of their con-
tracts, and in pursuance of this
power Congress has three times
passed such a law, which in every
instance operated on contracts
made before it was passed. Such a
law is now in force, yet its consti-
tutionality has never been ques-
tioned. How it can be in accord-
ance with the spirit of the Consti-
tution to destroy directly the cred-
itor's contract for the sake of the
individual debtor, but contrary to
its spirit to affect remotely its val-
ue for the safety of the nation, it is
difficult to perceive.

"So it is said that the provisions
that private property shall not be
taken for public use without just
compensation, and that no person
shall be deprived of life, liberty,
or property without due course of
law, are opposed to the acts under
consideration.

"The argument is too fine for my
perception by which the indirect
effect of a great public measure in
depreciating the value of lands,
stocks, bonds, and other contracts,
renders such a law invalid as tak-
ing private property for public use,
or as depriving the owner of it
without due course of law."
"A declaration of war with a mar-
itime power would thus be uncon-
stitutional, because the value of
every ship abroad is lessened 25
or 30 per cent., and those at home
almost as much! The abolition of
the tariff on iron or sugar would
in like manner destroy the furnaces
and sink the capital employed in
the manufacture of these articles.
Yet no statesman, however warm
an advocate of high tariffs, has
claimed that to abolish such duties
would be unconstitutional as tak-
ing private property."
"If the principle be sound, every
successive issue of Government
bonds during the war was void, be-
cause, by increasing the public
debt, it made those already in pri-
vate hands less valuable."
"This whole argument of the in-
justice of the law (an injustice
which, if it ever existed, will be
repeated by now holding it void),
and of its opposition to the spirit
of the Constitution is too abstract
and intangible for application to
courts of justice, and is, above all,
dangerous as a ground on which to
declare the legislation of Congress
void by the decision of a court. It
would authorize this court to en-
force theoretical views of the gen-
ius of our Government, or vague
notions of the spirit of the Consti-
tution and of abstract justice, by
declaring void laws which did not
square with them. It substitutes
our ideas of policy for judicial con-
struction, an undefined code of
ethics for the Constitution, and a
court of Justice for the National
Legislature."

He closes his opinion thus:
"Upon the enactment of these legal-
tender laws they were received
with almost universal acquiescence
as valid. Payments were made in
the legal-tender notes for debts in
existence when the law was passed,
to the amount of thousands of mil-
lions of dollars, though gold was
the only lawful tender when the
debts were contracted. An equal,
if not larger, amount is now due
under contracts made since their
passage, under the belief that
these legal-tenders would be valid
payments."
"The two House of Congress, the
President who signed the bill, and
fifteen State courts of last resort,
being all but one that have passed
upon the question, have expressed
their belief in the constitutionality
of these laws.

"With all this great weight of
opinion among those who have
passed upon the question before
we have been called to decide it,
whose duty it was as much as it is
ours, to pass upon it in the light
of the Constitution, are we to re-
verse their action, to disturb con-
tracts, to declare the law void, be-
cause the necessity for its enact-
ment does not appear so strong to
us as it did to Congress, or so clear
as it was to other courts?"

"Such is not my idea of the rela-
tive functions of the legislative and
judicial departments of this Gov-
ernment. Where there is a choice
of means the selection is with Con-
gress, not the court. If the act to
be considered is in any sense es-
sential to the execution of an ac-
knowledged power, the degree of

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ethics for the Constitution, and a
court of Justice for the National
Legislature."

He closes his opinion thus:
"Upon the enactment of these legal-
tender laws they were received
with almost universal acquiescence
as valid. Payments were made in
the legal-tender notes for debts in
existence when the law was passed,
to the amount of thousands of mil-
lions of dollars, though gold was
the only lawful tender when the
debts were contracted. An equal,
if not larger, amount is now due
under contracts made since their
passage, under the belief that
these legal-tenders would be valid
payments."

"The two House of Congress, the
President who signed the bill, and
fifteen State courts of last resort,
being all but one that have passed
upon the question, have expressed
their belief in the constitutionality
of these laws.

"With all this great weight of
opinion among those who have
passed upon the question before
we have been called to decide it,
whose duty it was as much as it is
ours, to pass upon it in the light
of the Constitution, are we to re-
verse their action, to disturb con-
tracts, to declare the law void, be-
cause the necessity for its enact-
ment does not appear so strong to
us as it did to Congress, or so clear
as it was to other courts?"

"Such is not my idea of the rela-
tive functions of the legislative and
judicial departments of this Gov-
ernment. Where there is a choice
of means the selection is with Con-
gress, not the court. If the act to
be considered is in any sense es-
sential to the execution of an ac-
knowledged power, the degree of

contracts" he completely overmas-
ters the Chief Justice. He says:
"But it is said that the law is in
conflict with the spirit, if not the
letter, of several provisions of the
Constitution. Undoubtedly it is a
law impairing the obligation of
contracts made before its passage;
but while the Constitution forbids
the States to pass such laws, it
does not forbid Congress; on the
contrary, Congress is especially
authorized to establish a uniform
system of bankruptcy, the essence
of which is to discharge debtors
from the obligation of their con-
tracts, and in pursuance of this
power Congress has three times
passed such a law, which in every
instance operated on contracts
made before it was passed. Such a
law is now in force, yet its consti-
tutionality has never been ques-
tioned. How it can be in accord-
ance with the spirit of the Consti-
tution to destroy directly the cred-
itor's contract for the sake of the
individual debtor, but contrary to
its spirit to affect remotely its val-
ue for the safety of the nation, it is
difficult to perceive.

"So it is said that the provisions
that private property shall not be
taken for public use without just
compensation, and that no person
shall be deprived of life, liberty,
or property without due course of
law, are opposed to the acts under
consideration.

"The argument is too fine for my
perception by which the indirect
effect of a great public measure in
depreciating the value of lands,
stocks, bonds, and other contracts,
renders such a law invalid as tak-
ing private property for public use,
or as depriving the owner of it
without due course of law."
"A declaration of war with a mar-
itime power would thus be uncon-
stitutional, because the value of
every ship abroad is lessened 25
or 30 per cent., and those at home
almost as much! The abolition of
the tariff on iron or sugar would
in like manner destroy the furnaces
and sink the capital employed in
the manufacture of these articles.
Yet no statesman, however warm
an advocate of high tariffs, has
claimed that to abolish such duties
would be unconstitutional as tak-
ing private property."

that necessity is for the Legislature,
and not for the court, to determine.
In the case in Wheaton, from
which I have already quoted so
fully, the court says that "where
the law is not prohibited, and is
really calculated to effect any of
the objects intrusted to the Gov-
ernment, to undertake here to in-
quire into the degree of its neces-
sity would be to pass the line which
circumscribes the judicial depart-
ment and to tread on legislative
ground. This court disclaims all
pretensions to such a power." This
sound exposition of the duties of
the court in this class of cases re-
lieves me from any embarrassment
or hesitation in the case before me.
If I had entertained doubts of the
constitutionality of the law, I
must have held the law valid until
those doubts became convictions.
But, as I have a very decided
opinion that Congress acted with-
in the scope of its authority, I
must hold the law to be constitu-
tional, and dissent from the opin-
ion of the court."

This splendid vindication both
of the wisdom and the constitution-
ality of Congress is completely sat-
isfying and convincing to us.
Nevertheless, the decision of the
court, by a majority of one, is the
opposite. As we said in the be-
ginning, we do not apprehend
therefrom very great disturbance
of existing values, or a multitude
of lawsuits. The parties in almost
all contracts have, by unquestion-
ed acceptance of the law, made
their transactions under it valid.
This decision cannot invalidate them.